

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ADVANCED CAPITAL COMMERCIAL  
GROUP, INC.,

Plaintiff,

-against-

**ORDER**

09 CV 5558 (DRH) (GRB)

JOSEPH SUAREZ a/k/a JOSE GILBERTO  
SUAREZ, JR., SUAREZ INVESTMENTS  
& DEVELOPMENT, L.L.C., KATHERINE  
FERRO, and LAW OFFICES OF  
KATHERINE FERRO, P.A.,

Defendants.

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**HURLEY, Senior District Judge:**

Plaintiff Advanced Capital Commercial Group, Inc. (“Advanced Capital” or “plaintiff”) commenced this action against Joseph Suarez, also known as Jose Gilberto Suarez, Jr., Suarez Investments & Development, L.L.C., Katherine Ferro, and the Law Offices of Katherine Ferro, P.A. (collectively, “defendants”) for breach of contract, fraud, unjust enrichment, and conversion. After defendants’ default was noted by the Clerk of Court pursuant to Federal Rule of Civil Procedure (“Rule”) 55(a), plaintiff moved for entry of a default judgment under Rule 55(b). On November 28, 2012, this motion was referred to United States Magistrate Judge Gary R. Brown to issue a Report and Recommendation as to whether plaintiff has demonstrated that the allegations in the Complaint establish the defendants’ liability such that the motion for default should be granted, and if so, to determine the appropriate amount of damages, costs, and/or fees, if any, to be awarded. On August 30, 2013, Judge Brown issued a Report and Recommendation which recommended that plaintiff’s motion for a default judgment be granted in all respects, and that plaintiff be awarded the amount of \$500,000.00 plus pre-judgment

interest, calculated from July 9, 2012, at the New York statutory rate of 9%. More than fourteen days have elapsed since service of the Report and Recommendation and no party has filed an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the August 30, 2013 Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the August 30, 2013 Report and Recommendation is adopted as if set forth herein, and plaintiff's motion for a default judgment is granted. The Court hereby directs that judgment be entered in favor of Advanced Capital and against defendants in the amount of \$500,000.00 plus pre-judgment interest, calculated from July 9, 2012 through the date of judgment at the New York statutory rate of 9%. Upon entry of judgment, the Clerk of the Court is directed to close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
September 20, 2013

\_\_\_\_\_/s/  
Denis R. Hurley  
United States District Judge